2015/16 – 2017/18
OHRC Business Plan

Mandate

The mandate of the Ontario Human Rights Commission flows from Ontario's *Human Rights Code*. The *Code* calls upon all Ontarians to work toward "the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the Province" (Preamble to the *Code*).

OHRC Vision

An Ontario in which everyone is valued, treated with dignity and respect, and where human rights are nurtured by us all.

OHRC Mission Statement

The OHRC, an independent statutory body, provides leadership for the promotion, protection and advancement of human rights, and builds partnerships across the human rights system and society. In pursuit of our vision, we will:

- Empower people to realize their rights
- Ensure that those responsible for upholding human rights do so
- Advocate for the full realization of human rights
- Work with our independent partners at the Human Rights Tribunal of Ontario and the Human Rights Legal Support Centre
- Develop and encourage the implementation of human rights policies
- Conduct research
- Monitor developments, trends, problem areas and case law involving human rights issues
- Use our legal powers to advocate in the public interest
- Carry out inquiries
- Educate and build capacity
- Engage in proactive measures to prevent discrimination using public education, outreach, policy development, research and analysis
- Bring people and communities together to help resolve issues of "tension and conflict"
- Report on the state of human rights to the people of Ontario.

Key Achievements for the Previous Year

In 2014-15 the Ontario Human Rights Commission's priority areas of work were:

- Eliminating racial discrimination, with an emphasis on working with
  - police
  - schools
  - Aboriginal Peoples in Ontario
  - employers & workers, to eliminate "Canadian Experience" as a requirement
- Disability
- Releasing and promoting the Policy on Gender Identity and Gender Expression
- Releasing and promoting the Policy on Mental Health and Addictions
- Promoting organizational change to incorporate human rights principles
- Ongoing review of provincial legislation and policies
- Updating the current Policy on Creed
- Targeted legal actions, including interventions at the Tribunal and in the courts to support our priorities

Progress was made in each of the priority areas, including:

- Continued work with the Toronto, Windsor and Ottawa police services
- Assisting the Inclusive Education Branch of the Ministry of Education in developing advice for schools
- Producing a new learning package on Teaching Human Rights
- Promoting our policy on Canadian Experience
- Inquiries into potentially discriminatory housing licensing and zoning
- Continuing review of provincial legislation and policies with subsequent submissions as identified
- Promoting the Policy on Competing Rights and other OHRC policies, guidelines and human rights advice

As well as these areas of work – and others not included on this list – the OHRC continued to make wide use of its mandate including targeted litigation and legal intervention, communications and outreach, public education and the development of communities of interest to support our work.

The OHRC's goal is to provide guidance, information and support that enables positive change to make the rights of the *Human Rights Code* "lived" rights.

Environmental Scan

- The demand for protecting, promoting and advancing human rights in Ontario remains very strong. This demand includes systemic issues across all seventeen prohibited grounds of discrimination and all five social areas.
- There is broad consensus that the need for action is particularly acute in addressing systemic issues around the human rights of First Peoples in Ontario.
- Although some current initiatives of the OHRC are winding down, there are a large number that will require resources for the foreseeable future.
- The OHRC has significant assets and strengths it can deploy, including a broad and flexible mandate, a variety of community partners, expertise in partnering, policy making and electronic communication. But the need for human rights promotion, protection and advancement will always exceed the capacity of the OHRC. The OHRC will further develop and implement its priority setting model for allocating resources.
- The OHRC should clarify its litigation strategy: how do we choose which legal cases we take on?

Determining priorities

Our priorities for work change over time – that is inevitable. An essential part of our success as a leadership organization is our ability to react quickly to new issues as they arise. This 'fast response' driver is at the core of our mandate's emphasis on addressing tension & conflict: we must show that we can respond quickly and with a positive impact when unexpected challenges arise.

However, we must not be a purely reactive organization. Planned, strategic work (policy development, human rights inquiries, public education, outreach, communications and targeted legal action) may not always have immediate impact but will, over time, build a progressive human rights culture. We aim to find and preserve the balance between reactive and planned work.

Issues management

Issues management is the process of collecting, analyzing and sharing external and internal information. All areas of the Commission collect information and distribute analysis. An ongoing issues management process sifts and triages information. A broader group, with representation across the OHRC, then bring together the analytical skills of experts from all the different units.

Issues management goals:

- provide timely and accurate analysis of trends and emerging issues

- enable OHRC to respond quickly and take full advantage of strategic opportunities
- draw upon the expertise of staff and partners to inform OHRC priority-setting and decision-making.

External Factors - Overview

In recent years, the Government has created a number of independent bodies that may need to deal with *Code*-related issues, as their mandate is likely to impact groups protected by the *Human Rights Code*. These include the Office of the Provincial Advocate for Children and Youth, the Office of the Independent Police Review Director in the Office of the Fairness Commissioner (responsible for ensuring that self-regulating professional bodies comply with the Fair Access to Regulated Professions Act), and the Office of the French Language Services Commissioner.

The Supreme Court of Canada's Tranchemontagne decision was a significant development in terms of application of the *Code* by other tribunals. The OHRC has a key role to play to raise awareness of this obligation of tribunals, and to offer any needed support. The Commission has discussed this issue with a number of administrative tribunals and will deliver a more formal cooperative initiative.

Economic Factors

Difficult economic conditions reinforce the need to ensure workers have equal access to economic progress and that the vulnerable people in our society are not put at a greater disadvantage.

Increasingly, groups such as "Colour of Poverty" are making clear links between human rights and socioeconomic factors. (Our own "Policy on Rental Housing" and "In the Zone" make these connections, as do other OHRC policies.)

Social Factors

Ontario has one of the most multicultural populations in the world, with more than 100 languages spoken across the province. With a high level of immigration, there is significant ethnic, racial, and religious diversity, which varies across the province, depending on region, urbanization, and other factors. As well, there is diversity within the growing numbers of racialized communities. As demographics change, it becomes clear that a "one-size-fits-all" strategy will not address the many different issues that communities and the many communities within those communities face.

Newcomers may bring with them concerns about human rights in their countries of origin. Some of the concerns are voiced here; they wonder what Canada's role is in helping deal with the situations "at home" – and sometimes those conflicts are imported with various diaspora communities. This can lead to frustration and tension. Providing access to material in languages other than French and English is vital and in the past year, the OHRC is translating a growing number of brochures and other documents into

languages other than French and English.

Recent events have triggered a nationwide discussion about the continued occurrence of sexual harassment and violence against women throughout Canadian society. The Ontario *Human Rights Code* prohibits sexual harassment in employment and other "social areas". A public awareness campaign is planned to bring together partners to help reduce the incidence of sexual harassment.

An important demographic influence is the growing number of "Baby Boomers" and the prediction that in ten years, the number of people leaving the workforce will outstrip the number of people entering it.

Our *Policy on Competing Rights* provides a process to examine and help resolve conflicts that can occur between the different demographic groups.

Technological factors

The effective operation of the OHRC requires a strong information technology component. The growing impact of the internet and its outreach possibilities must be properly harnessed. This includes e-learning facilities, interactive/responsive capability, especially through social media, and the opportunity to gather external data on attitudes and changes in communities which could influence our understanding of human rights issues.

Internal factors

Staff turnover at the OHRC tends to be low resulting in a stable, effective and focussed workforce. Recent hires to fill out the OHRC's agreed organization chart are now providing increased capacity for public education and outreach.

Strategic Directions

The OHRC's 2013/14 – 2017/18 strategy addresses how the Commission will prioritize its activities over the next five years. In the previous strategic plans we identified priorities including:

- Race/Hate crimes
    - work with police
    - schools
    - aboriginal people
- Housing
- Family status
- Disability (with a focus on Mental Health)
- Creed
- Competing Rights
- Canadian experience as a barrier to employment

Specific initiatives on race, disability, mental health and addictions, housing, and creed are still underway and are expected to continue for some time to come.

The OHRC looks for opportunities to clarify human rights law and to promote and raise awareness of its work in all *Code*-related areas. In addition, resources are kept available for new issues that might arise. For example, the OHRC has responded to new data on "carding" or "community safety notes" with Toronto Police and will continue to pursue the matter as part of our work on racial profiling.

The OHRC has identified these additional initiatives as priorities for the 2013/14 – 2017/18 strategic plan:

- Create and implement an action plan on Aboriginal human rights issues to increase accessibility and responsiveness of the human rights system for Aboriginal peoples in Ontario
- Implement the policy on gender identity and gender expression. Promote and enforce compliance with the *Code*'s new grounds of gender identity and gender expression for the trans communities of Ontario
- Expand the OHRC's capacity to identify developments and trends in human rights in the province
- Clarify the OHRC's litigation strategy.

Overview of Programs and Activities

Racism and Discrimination is still pervasive and persistent in Ontario. There are many people in vulnerable and marginalized communities who are not aware of their rights or how to improve their situation. As the demographic make-up of the province continues to change, new tensions can arise in schools, workplaces and neighbourhoods. Groups have different needs and rights that are not understood and can cause conflict by pitting, for example religious rights against rights relating to gender or sexual orientation. People with disabilities, demanding their rightful inclusion, raise issues of accommodation and universal design.

A reactive, case-by-case approach will never, on its own, resolve issues of broader public interest and systemic discrimination. All laws, regulations and policies are meant to comply with the Ontario *Human Rights Code*, but many do not. Without proper research and monitoring there are only very limited ways to measure real progress in achieving the *Code's* aim of "a climate of understanding and mutual respect".

Initiatives Involving Third Parties

The OHRC's strategic objectives require the Commission to work extensively in partnership with other agencies, Ministries, non-governmental groups and individuals from a wide range of communities across Ontario. While many of these relationships will be informal, involving primarily exchanges of information, the Commission will, as has been consistent past practice, inform the Ministry of the Attorney General of any formal arrangements as they are developed. The MOU between MAG and the OHRC addresses these issues, among others. The OHRC does not fund any external body.

The OHRC will continue to build relations and partnerships which will multiply the effects of interventions, inquiries, outreach, communications, and policy development. In addition, we have planned a number of initiatives involving sector or organizational change that will follow a "train the trainers" model to make best use of our resources.

Three Year Proposed Budgets

The OHRC was allocated $5.83 million for the 2014/15 fiscal. The Commission is confident that, with the continued support of community partners, it can carry out its statutory mandate in an innovative, proactive and professional way with the allocated resources.

Human Resources

No significant business or workforce changes are anticipated at the OHRC. The OHRC follows all OPS directives and guidelines in relation to human resources matters and will continue to work closely with HR colleagues at MAG to ensure we meet all applicable standards.

Staff Numbers (Staff Strength)

	Actual FTE	Funded FTE
Classified		
ALOC	5	6
AMAPCEO	16	22
MCP	4	5
OIC	1	1
OPSEU	6	13
SMG	2	2
Total Classified	**34**	**49**
Unclassified		
ALOC	2	1
AMAPCEO	4	
MCP	1	
OIC		
OPSEU	5	0
SMG		
Total Unclassified	**12**	**1**
Temporary	2	
Total	**48**	**50**

The Commission

The Chief Commissioner leads and is the spokesperson for the Ontario Human Rights Commission.

The Chief Commissioner also chairs the Commission, made up of 10 OIC appointed part-time Commissioners. Together they set the strategic direction and priorities for the Commission in accordance with the mandate of the Ontario *Human Rights Code*.

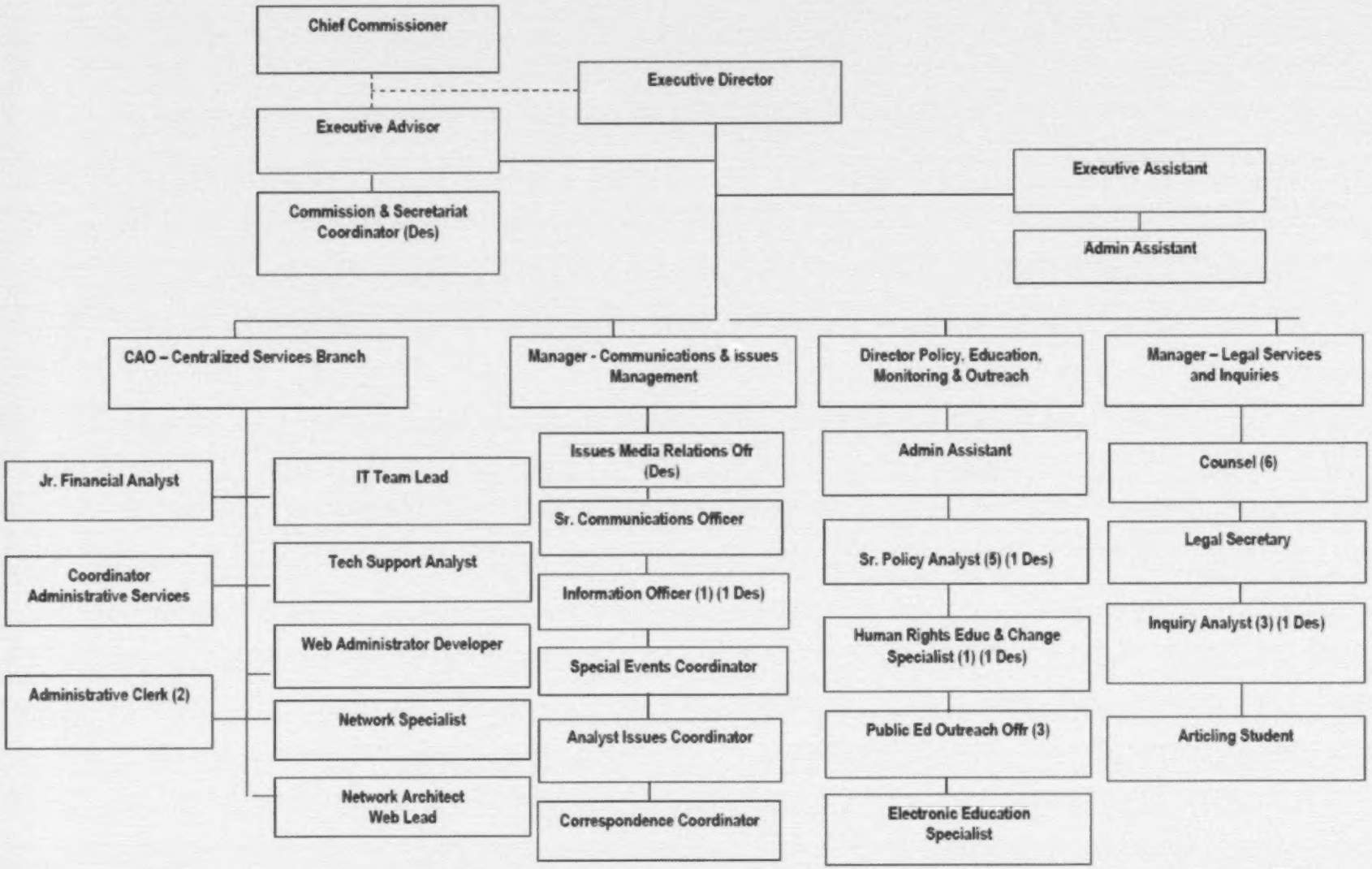
As required by s.27 (3) of the *Code*, Commissioners have knowledge and experience in the area of human rights law and issues. They reflect diverse communities and geographic locations.

Commission meetings are held every 2-3 months, usually over 2 days. Commissioners also work with staff on steering committees to develop and monitor action plans for priority areas.

Organizational Chart

Ontario Human Rights Commission

Updated 07Nov2014



The OHRC has a multi-year accessibility plan – see below.

Our Diversity and Inclusion strategy establishes four clear and distinct goals, and outlines the actions we are taking to achieve them.

People: we continue to have staff that reflects the diversity of Ontario, and exceeds the diversity data of both the OPS and the population of Ontario in all but one category. Our employment competitions are advertised broadly, in many communities. We have worked with French Language Services to ensure that we have designated staff for each area that contacts the public. Our plan for diverse hiring of lawyers is being used at MAG Legal Services Division. Our senior management is highly inclusive and diverse, as is the Commission itself.

Processes: The OHRC's Internal Human Rights Policy http://www.ohrc.on.ca/en/about-us/internal-human-rights-policy-working-draft sets out ways that employees can raise individual and systemic human rights concerns. It includes commitments to perform barrier reviews.

Services: all of our services meet or exceed AODA standards. All public meetings and consultations have accessibility assessed and built in. Our website is fully accessible, and we will continue to look for ways to improve it.

Results: We will continue to strive to have our staff representative of the population of Ontario, at all levels.

Through our Internal Human Rights Policy we will provide a single reference point for handling human rights matters and internal working issues within the Commission. It replaces the Commission's *Code of Ethics*, and directly incorporates all relevant elements from other applicable policies and legislation.

It is intended to work in harmony with all OPS collective agreements as well as the Public Service of Ontario Act (PSOA). It also builds on and advances external Commission policies and OPS policies such as:

- Workplace Discrimination & Harassment Prevention (WDHP) Policy
- Employment Accommodation and Return to Work Operating Policy
- Equal Opportunity Operating Policy.

Where it identifies requirements or best practices that appear to be in conflict with these or other related policies, the Commission will advocate for appropriate changes and may consider filing applications with the Ontario Human Rights Tribunal if needed.

Along with this Policy, people have full access to other existing processes under collective agreements and under the law, including making union grievances and applications to the Ontario Human Rights Tribunal or a union grievance.

As well, the Commission may develop other policies on specific human rights issues, to further enhance internal human rights understanding, practices and procedures.

Multi-Year Accessibility Plan

Our accessibility plan is available here: http://www.ohrc.on.ca/en/about-commission/ohrc-multi-year-disability-accessibility-plan

Performance Measures

OHRC Strategies and Human Rights Code Mandate	Performance Measures	Performance Targets
▪ Identify and eliminate systemic barriers to employment ▪ Help employers find solutions that improve accessibility and reduce inequity ▪ Provide high quality, timely service to the public ***Code* mandate:** S.29 (c) to undertake, direct and encourage research into discriminatory practices and to make recommendations designed to prevent and eliminate such discriminatory practices s.30 The Commission may approve policies prepared and published by the Commission to provide guidance in the application of Parts I and II.	▪ Leading edge human rights policy developed and disseminated ▪ Education and training programs delivered that show the effects of discrimination and how it can be reduced through application of policy; ▪ Targeted industrial, economic or organizational sectors introduce change	▪ Three new policies or updates in development each fiscal year with one finalized per fiscal year ▪ Four new policy related user friendly documents or major policy 'updates' researched, drafted, consulted on and communicated annually ▪ Two policy-based education programs produced and distributed annually
▪ Identify and eliminate systemic barriers to education and training ▪ Reduce barriers for at risk students working with Ministry of Education and school boards on the Inclusive Education Strategy ***Code* mandate:** s.29(b) to develop and conduct programs of public information and education to, i. promote awareness and understanding of, respect for and compliance with this Act, and ii. prevent and eliminate discriminatory practices that infringe rights under Part I; s.29(j) to report to the people of Ontario on the state of human rights in Ontario and on its affairs;	▪ Human rights education programs delivered ▪ Reports on human rights in Ontario - with education component identified - researched, monitored and communicated	▪ Two policy-based education programs produced and distributed annually ▪ Status report on human rights in Ontario released annually ▪ Ministry of Education and TDSB settlements implemented in full ▪ E-Learning modules created for educators & others

OHRC Strategies and Human Rights Code Mandate	Performance Measures	Performance Targets
▪ Continue work on mental health issues and access to health care system, including factors such as housing with a direct impact on health ***Code* mandate:** s.31 (1) The Commission may conduct an inquiry under this section for the purpose of carrying out its functions under this Act if the Commission believes it is in the public interest to do so.	▪ Mental health related public interest inquiries conducted and results communicated ▪ Targeted legal action taken to clarify the law and encourage compliance with the *Human Rights Code*	▪ Conduct one public interest inquiry in this area over 3 years ▪ % of cases at Tribunal, identified as important for intervention re: mental health, in which OHRC takes part ▪ Three major and 12 small Public Interest Inquiries conducted each year on identified OHRC priorities or pressing contingency items as identified by criteria (see appendix 1).
▪ Monitor AODA standards and advise on ensuring standards are compliant with the *Human Rights Code* ▪ Reduce barriers for people with disabilities in transit systems, housing ▪ Legislative review: work with Ministries, Agencies, Boards and Commissions to help make all statutes, regulations, programs and polices compliant with the *Human Rights Code* ***Code* mandate:** s.29 (d) to examine and review any statute or regulation, and any program or policy made by or under a statute, and make recommendations on any provision, program or policy that in its opinion is inconsistent with the intent of this Act;	▪ AODA standards reviewed, community consulted, response submitted and communicated ▪ Public interest inquiry related to disability conducted ▪ Legislative Review Project underway	▪ % compliance with Lepofsky among Ontario transit providers ▪ % of AODA draft standards responded to by closing date ▪ Conduct at least one public interest inquiry in this area over 3 years ▪ % of draft legislative proposals responded to by closing date

OHRC Strategies and Human Rights Code Mandate	Performance Measures	Performance Targets
▪ Reduce situations of tension and conflict stemming from *Code*-related grounds ▪ Address "carding" by Toronto Police Service as part of work on racial profiling ***Code* mandate:** s.29 (e) to initiate reviews and inquiries into incidents of tension or conflict, or conditions that lead or may lead to incidents of tension or conflict, in a community, institution, industry or sector of the economy, and to make recommendations, and encourage and co-ordinate plans, programs and activities, to reduce or prevent such incidents or sources of tension or conflict;	▪ Potential conflicts quickly and successfully addressed by OHRC. ▪ Education and training programs delivered to communities involved as identified. ▪ Guidance offered to Toronto Police Service and Toronto Police Service Board on discriminatory impacts of carding	▪ % of requests for intervention or inquiry responded to within 30 days of receipt ▪ E-Learning program: Human Rights 101 expanded to 15 languages. ▪ Discriminatory impact of carding significantly reduced.